

APS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ERIK S. EPPERSON
Defendant.

Magistrate Case No.:

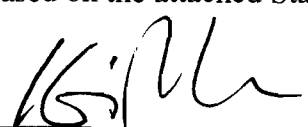
COMPLAINT FOR VIOLATIONS OF
Title 18 U.S.C. § 2423
Travel with Intent to Engage in Illicit Sexual
Conduct

11 MJ 2278

The undersigned complainant being duly sworn states:

On or about and between January 30-31, 2011, within the Southern District of California, and elsewhere, defendant ERIK S. EPPERSON did travel in interstate commerce for the purpose of engaging in any illicit sexual conduct, as defined by 18 U.S.C. §2423(f), with another person, to wit: G.R.; in violation of Title 18, United States Code, Section 2423(b).

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Kris Robinson
Special Agent, FBI

Sworn to before me and subscribed in my presence, this 22nd day of June 2011.


U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) assigned to the San Diego, California, office. I am assigned to the Violent Crimes Squad and currently investigate violent crime, to include crimes against children. I have been employed by the FBI as an SA for 14 years. The information contained in this affidavit is based upon my personal knowledge and on the information I have learned from reviewing official reports and speaking with other local and federal law enforcement officers.

On March 9, 2011, the San Diego Division received information from Wendy Ruis, mother of 14-year-old GR, date of birth August, 1996. Ruis received a phone call from the Resource Officer at her daughter's school. Officer Thornton advised that another student told him that GR had met an older male on Facebook, and that man had flown out to San Diego and had sex with GR. Ruis confronted her daughter, who told her that back in January, a guy she had met on Facebook did fly out to San Diego. Her older step-sister drove her to the airport where they picked up "Erik" (hereinafter "Epperson"), and eventually went to her sister's house to spend the night. Ruis recalled a night in late January when GR asked her if she could stay at her step-sister's house over night to watch her kids so her sister could go out with her husband. Her sister would drive her to school the next day:

On March 11, 2011, GR was interviewed by me at her school. GR advised that she met Epperson on Facebook as he was a friend of one of her friends. Epperson knew she was 14 years old and told her he could get in trouble if anyone found out about their relationship. Epperson had talked with GR on the computer and the phone about having sex with her when he came out to San Diego from Indiana where he lives. Epperson has sent her photographs of his penis and GR deleted them later so that no one else would see them. Epperson also requested that GR take nude photos of herself and send them to him. At the end of January 2011, Epperson flew to San Diego, California. GR's older step-sister picked him up at the San Diego International airport on Harbor Drive, San Diego, CA, drove them around a bit, and then took them up to her house. Later that night, GR and Epperson had sex on the couch where they slept. They used condoms that Epperson brought. In the morning they had sex again and then took a shower together. GR's

step-sisters
KR
JK

husband felt that Epperson should go back home, and though he did not have a return ticket, her step-sister drove him to GR's school where she dropped GR off, and then took him to the airport.

On March 13, 2011, I looked through GR's Facebook page with the log-on provided by her mother. Several photographs were seen of GR kissing a male on a couch, and some of her and a male outside (appears to be Coronado Island in San Diego, California). In a few of the photographs, GR has on pants and a bra. In looking at the wall of her friend "Erik Okuzaki", there is a photograph of an unknown female holding up a sign that says something to the effect of "Hi Erik Epperson". On the front page of "Erik Okuzaki" a post indicates his birthday is July 19, and he graduated from high school in 2008.

Also on March 12, 2011, Ruis received a phone call. When she answered, a male said "G----?" Ruis advised the caller she was GR's mother. The male identified himself as "Erik" and told Ruis he loved her daughter. Ruis asked Epperson how old he was, to which he responded that he was 18. Ruis told him that his Facebook page indicated he was 21. Epperson responded something to the effect of "well, that's what people want to hear, I'm 18." Ruis told Epperson that GR was only 14 years old and to stop calling her. Epperson said he initially thought she was 17 because she acts so grown up, but she had told him she was 14. Epperson told Ruis something to the effect of "I know I could have gone to jail for 30 years" if he continued the relationship. Ruis asked Epperson how he got her cellular phone number and he replied that he just found it. The phone number Erik called from was (765) 585-xxxx and is a pre-paid cellular phone subscribed to by Erik Epperson, at an address in Veedersburg, IN, and with a contact email address of erikepperson@yahoo.com.

On March 14, 2011, a query of the Department of Motor Vehicles in Indianapolis, Indiana returned a driver's license photograph of Erik Epperson, date of birth 07/xx/1989. The individual bears a striking resemblance to the photo on "Erik Okuzaki's" Facebook page as well as the photos of the male and GR together on GR's Facebook page.

On March 15, 2011, I looked through printed messages between GR and Epperson ("Erik Okuzaki") from GR's Facebook page, provided by Ruis.

On February 6, 2011, Epperson wrote:

1 7:01pm: lol u still wanna talk on email??? and i want those pix of usssss at night!!! D:<
2 :P

3 7:57pm: haha also i was saying i think about making love with you alllllll the time <33333
4 and saying that was the closest thing i could express it as. i mean like it could have been
5 less rushed n pantsed lol, but idk it was sooo mmm <33333333333333 like omg i love u
6 soo much <3333 just loving you, and coming all that way, and doing it slow and long was
7 like heaven <333333333333333333

8 8:10pm: ikr [I know right]!?!?!?!? soo how was it baby? u never told me about what u
9 thought and felt <3333 like go into detail about it :) i like love when you give me details

10 GR responded on February 6, 2011

11 8:10pm: Sorry, watching glee.

12 Can't concentrate xDDD

13 will email you longgg about it :p

14 On February 15, 2011, Epperson wrote:

15 8:22am: I cant wait to kiss u,lick u, touch u, please u, squeez u, and give u a
16 bj again.

17 8:57am: Marry me!!! I love u baby

18 9:13am: Hurry up and get older!

19 On February 15, 2011 GR responded

20 10:52am: went shopping wif my mommy :p

21 :')

22 talking now.

23 so, let's get married when Im 17 :)

24 On February 15, 2011 Epperson responded:

25 11:29am: i cant wait till u do :3 cuz it will make me soo happy that u are doing somthing
26 u wouldnt do 4 any one. It would truely make me feel special

27 On April 7, 2011, GR was shown a color photograph of Erik Epperson from the Indiana
28 Department of Motor Vehicles. GR said she had never seen that photograph before, but it was
29

1 Erik (Epperson). GR met Epperson on the Internet via Facebook.com, through another friend's
2 page. Epperson "friended" GR, and she added him to her list of friends who could view her page
3 and communicate with her. This was before December, but not before the Thanksgiving holiday.
4 GR was reminded that on her Facebook page she lists her relationship anniversary date as
5 December 9, 2010. She advised that they became friends before that date, but got a lot closer and
6 started sending messages to each other around the beginning of December. GR advised
7 Epperson sent her a nude picture of his genitals only one time, and that he probably sent it to her
8 yahoo or hotmail email address but she is not sure which one. GR deleted it so no one else
9 would see it. Epperson did ask her to take pictures of herself nude and send them to him, but
10 GR never did that. She believes Epperson has a laptop as he has talked about it before. The two
11 have communicated on their house phones, cellular phones, chats through their ipods, Facebook,
12 and emails, in addition to meeting the one time in January.

13 On May 13, 2011, Facebook.com returned information from the Facebook page of Erik
14 Epperson (aka Erik Okuzaki and/or Tomoyo Yamasaki on Facebook), pursuant to a search
15 warrant filed in the Southern District of California. During a search of those results, it was
16 discovered that Epperson has been chatting with numerous female high school students. Several
17 times, he chats with an individual named Micayla Smith.

18 The results revealed that on January 28, 2011, Epperson had an angry exchange with an
19 individual who identified herself as Kendra Walag. Walag told Epperson to stay away from the
20 underage girls he continues to associate with. The exchange is as follows:

21 01:33:57 Walag:

22It's a definite problem, you are being a fuckin pedophile and that shit is NOT
23 COOL. IT'S FUCKED UP, ERIK. REALLY FUCKED UP.....Oh & try not to get arrested
24 in California. You're being a fucking idiot.

25 02:29:28: Seriously, you're making excuses to justify your interest in children....

26 2:40:45 Epperson:

27Any under aged girl iv fucked around with wanted sex and nothing more, and
28 thats not fucking taking advantage of shit, when they text me "hey ;) wanna fuck?" iv only
29

1 dated one underage girl. Last year. Cept that one fb girl...and shes fucking cool as hell. And its
2 on FB!

3 04:09:59: Walag:

4Here's the fucking thing, Erik. You are too old for these little girls. Kylee turns 14
5 tomorrow. THINK ABOUT THAT SHIT.

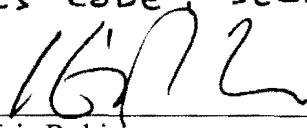
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7 Included in the Facebook search results are exchanges between Epperson and other
8 individuals in which Epperson tells individuals that he flew to San Diego, CA (for example, on
9 February 9, 2011 at 3:36:57 Epperson told James Edward Miller that he went to San Diego "for a
10 Japanese girl"). On December 5, 2010, Epperson had the following exchange with GR:

11 04:07:42 Epperson: U never told me ur age or music styles

12 04:09:43 GR: I'm 14. I'm in love with Queen, Journey, GLEE, Nicki minaj, eminem, (etc)

13 04:15:36 Epperson: 14!!!! Lol no wondr u like me. And wtf!! U look so fuckin sexi and
14 older!

15 BASED ON THE FOREGOING FACTS, I BELIEVE THERE IS
16 PROBABLE CAUSE TO BELIEVE THAT ERIC EPPERSON DID
17 VIOLATE TITLE 18, UNITED STATES CODE, SECTION 2423(b).

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19 _____
20 Kris Robinson
21 Special Agent, FBI
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